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high speed communications becomes greater than the second threshold value, the communication request for an allowable time period to wait for the transmission power of all high speed communications to become less than or equal to the second threshold value, and rejects the communication request if the transmission power of all high speed communications does not become less than or equal to the second threshold value within the allowable time period.

35. (New) The base station as claimed in claim 30, further comprising the means for varying the first threshold value in accordance with a number of low speed communications.

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36. (New) The base station as claimed in claim 33 or 34, further comprising the means for varying the second threshold value in accordance with a number of low speed communications.

REMARKS

This Amendment and Response is filed in response to the Office Action mailed October 1, 2002. Claims 22 – 36 are herein newly added. The new claims are fully supported by the application as filed and no new matter is being added.

Claims 5, 6, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,745,480 to Behtash et al. in view of U.S. Patent 5,946,356 to Felix et al. Applicants respectfully traverse the rejections.

Regarding the present invention of claim 22, in cellular mobile communications that can simultaneously perform high speed communications and low speed communications, when a communication request is made for a high speed communication, the present invention of claim 22 checks whether transmission power of all high speed communications performed simultaneously becomes greater than a predetermined first threshold value if the communication request is accepted, and restricts acceptance of the communication request if the transmission power of all high speed communications becomes greater than the first threshold value. In this way, channels for low speed communication calls can be ensured by restricting traffic of high-speed communication calls.

In contrast, Behtash et al. does not make a distinction between high-speed communications and low speed communications. Behtash et al. calculates, when receiving a service request, a power budget H required for the request, and determines whether H is lower than 1 (the maximum value of power budget for all users) $-\sum H_i$ (current power budget for other users), and then accepts the request if H is lower than $1 - \sum H_i$, and calculates available power budget and allows a service with a data rate in accordance with the available power budget if H is not lower than $1 - \sum H_i$ (see column 4, line 26 to column 5, line 50 and Figure 4).

Since Behtash et al. performs this process without making a distinction between high speed communications and low speed communications, Behtash et al. does not disclose or suggest “checking whether transmission power of all high speed communications performed simultaneously becomes greater than a predetermined first threshold value” and “restricting acceptance of the communication request (high speed communication request), if the transmission power of all high speed communications becomes greater than the first threshold value”.

Also, Felix et al. does not disclose or suggest “checking whether transmission power of all high speed communications performed simultaneously becomes greater than a predetermined first threshold value” and “restricting acceptance of the communication request (high speed communication request), if the transmission power of all high speed communications becomes greater than the first threshold value”.

Therefore, the present invention of claim 22 is not obvious over Behtash et al. and Felix et al., which taken alone or in combination, do not disclose or suggest the above-mentioned features of the present invention of claim 22. The same thing can be said for claim 30, which corresponds to claim 22 and for claims 23-29 and 31-36 which depend on claims 22 and 30, respectively.

Withdrawal of the rejection is therefore respectfully requested.

In view of the above, each of the presently pending claims is believed to be in condition for immediate allowance, and the Examiner is respectfully requested to pass this application on to an early allowance. If there are any further issues that need to be addressed, the Examiner is respectfully requested to telephone Applicants' undersigned representative.

Respectfully submitted,

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